

3731 ISW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert E. Simonson
Application No.: 10/021,809
Filed: October 30, 2001
Entitled: CONFIGURED AND SIZED CANNULA
Docket No.: 101896-276 (DEP-5241)

Group Art Unit: 3731

Examiner: Uyen T. Ho

Certificate of Mailing (37 C.F.R. 1.8(a))

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July 27, 2004

By: 

Date of Signature and Mail Deposit

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Attorney for Applicant(s)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This communication is in response to the Office Action dated June 29, 2004, requiring restriction of the above-referenced application to one of the following inventions:

- I. Claims 1 and 2, drawn to a series of dilators;
- II. Claims 4-10 and 17-25, drawn to a dilator retractor;
- III. Claims 15 and 16, drawn to a combination of dilators and a dilator retractor;
- IV. Claim 26 drawn to a method of creating a working channel; and
- V. Claims 27-29 drawn to a method of positioning an implant relative to a bone anchor.

Applicant elects the Group II claims (claims 4-10 and 17-25).

The Examiner further requires election of one of the following "patentably distinct" species:

- I. Figure 4;
- II. Figure 5; and
- III. Figure 6.

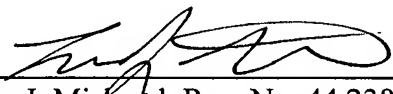
The Examiner submits that none of the claims are generic.

Applicant elects the Group II species, which corresponds to claims 21-25. Applicant submits that all of the remaining claims (claims 4-10 and 17-20) read on all of the species, and thus are generic. Accordingly, elected claims 4-10 and 17-25 are all drawn to the elected species and are entitled to consideration.

The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

Date: July 27, 2004



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